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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

AMERICAN STEAMSHIP OWNERS MUTUAL PROTECTION AND INDEMNITY ASSOCIATION, INC.,

Plaintiff.

-against-

ALCOA STEAMSHIP CO., INC. and the Other Entities Listed on Exhibit A to Second Amended Complaint,

Defendants.

04 Civ. 04309 (LAK) (JCF) んのひとん

STIPULATION OF AMERICAN ATLANTIC COMPANY

TO BE BOUND BY THE FINAL DECISIONS OF THIS COURT OR THE FINAL SETTLEMENT OF THE

PARTIES

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff, American Steamship Owners Mutual Protection and Indemnity Association, Inc. [the "American Club"] and defendant, American Atlantic Company, through their respective counsel, as follows:

- American Atlantic Company was a member of the American Club in various
   Insurance Years before February 20, 1989.
- 2. In consideration of the following provisions, and solely with respect to the insurance years of its membership in the American Club, American Atlantic Company hereby agrees to be irrevocably bound (a) by the final decisions of this Court, after appeals, if any, with respect to the claims and defenses of all parties adjudicated in this action, or, in the alternative (b) by the terms of any final settlement agreement entered into by all of the defendants which have actively prosecuted their claims and defenses in this action and which settlement terminates this action.

- 3. Unless otherwise requested, in writing, American Atlantic Company need not make a further appearance herein or serve or file any additional pleadings, and American Atlantic Company's failure to do so will not be deemed a default.
- 4. American Atlantic Company may be deleted from all service lists herein and no pleadings or notices need be served by any party upon American Atlantic Company.
- 5. American Atlantic Company agrees to respond to discovery served upon it by any other party to this action, reserving all proper objections thereto it may have.
  - 6. American Atlantic Company will be notified of the final resolution of this action.
- 7. American Atlantic Company agrees that this Court has personal jurisdiction over it in this action and that this Stipulation may be enforced against it by this Court.
- 8. All defendants who have appeared in this action have been given notice of this Stipulation and an opportunity to object thereto; and to date, no objections have been received.

Dated: April New York, New York

> American Steamship Owners Mutual Protection & Indemnity Assoc., Inc.

By:

Lawrence J. Bowles (LB 5950) Nourse & Bowles, LLP One Exchange Plaza at 55 Broadway New York, New York 10006

(212) 952-6200

By:

Brent A. Hannafan (BH 4344)

American Atlantic Company as

successor to American Diedging Co.

Dechert LLP

30 Rockefeller Plaza

New York, New York 10112

(212) 698-3500

SO ORDERED: